

TITLE 41  
INSURANCE

CHAPTER 25  
CASUALTY INSURANCE CONTRACTS

41-2501. CONTRACTS ARE SUBJECT TO GENERAL PROVISIONS. All contracts of casualty insurance covering subjects of insurance resident, located, or to be performed in this state are subject to the applicable provisions of chapter 18 (the insurance contract), and to the other applicable provisions of this code.

[41-2501, added 1961, ch. 330, sec. 553, p. 645.]

41-2502. UNINSURED MOTORIST AND UNDERINSURED MOTORIST COVERAGE FOR AUTOMOBILE INSURANCE -- EXCEPTIONS. (1) Except as otherwise provided in subsection (2) of this section, no owner's or operator's policy of motor vehicle liability insurance that is subject to the requirements of section [49-1212](#) (1) or (2), Idaho Code, shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death as set forth in section [49-117](#), Idaho Code, as amended from time to time, under provisions approved by the director of the department of insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured and underinsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom.

(2) A named insured shall have the right to reject either or both uninsured motorist coverage or underinsured motorist coverage, which rejection must be in writing or in an electronic record as authorized by the uniform electronic transactions act, [chapter 50, title 28](#), Idaho Code, and such rejection shall be effective as to all other insureds and named insureds; and after which such rejected coverage need not be provided in or supplemental to a renewal or replacement policy issued by the same insurer or an affiliate of that insurer.

(3) Prior to the issuance of any new policy or the first renewal or replacement of any existing policy of motor vehicle liability insurance with an effective date on or after January 1, 2009, a named insured shall be provided a standard statement approved by the director of the department of insurance, explaining in summary form, both uninsured and underinsured motorist coverage, and the different forms of underinsured motorist coverage that might be available from insurers in Idaho.

(4) The provisions of this section shall not apply to policies of motor vehicle liability insurance for coverage on all-terrain vehicles, utility type vehicles, specialty off-highway vehicles or motorbikes as those terms are defined in section [67-7101](#), Idaho Code.

[41-2502, as added by 1967, ch. 61, sec. 1, p. 124; am. 1988, ch. 265, sec. 572, p. 870; am. 2008, ch. 69, sec. 1, p. 183; am. 2009, ch. 157, sec. 1, p. 458.]

41-2503. DEFINITIONS AND APPLICATION. (1) For the purposes of uninsured motorist coverage, the term "uninsured motor vehicle" shall, subject to the terms and conditions of such coverage, be deemed to include an insured

motor vehicle where the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified therein because of insolvency.

(2) For purposes of underinsured motorist coverage, subject to the further definitions, terms and conditions of such coverage, the term "underinsured motor vehicle" means a motor vehicle that is a self-insured motor vehicle, or a motor vehicle that is covered by a policy of motor vehicle liability insurance or an indemnity bond, with limits for bodily injury or death at least equal to those limits set forth in section [49-117](#), Idaho Code.

(3) Except as provided in subsections (1) and (2) of this section, the terms and conditions of any policy of motor vehicle liability insurance providing uninsured motorist coverage or underinsured motorist coverage are not altered or amended.

[41-2503, as added by 1967, ch. 61, sec. 2, p. 124; am. 2008, ch. 69, sec. 2, p. 184.]

41-2504. APPLICATION OF UNINSURED MOTORIST COVERAGE. An insurer's insolvency protection shall be applicable only to accidents occurring during a policy period in which its insured's uninsured motorist coverage is in effect where the liability insurer of the tortfeasor becomes insolvent within one (1) year after such an accident. Nothing herein contained shall be construed to prevent any insurer from affording insolvency protection under terms and conditions more favorable to its insureds than is provided hereunder.

[I.C., sec. 41-2504, as added by 1967, ch. 61, sec. 3, p. 124.]

41-2505. SUBROGATION RIGHTS OF INSURER. In the event of payment to an insured under the coverage required by this section and subject to the terms and conditions of such coverage, the insurer making such payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such insured against any person or organization legally responsible for the bodily injury for which such payment is made, including the proceeds recoverable from the assets of the insolvent insurer. Whenever an insurer shall make payment under the coverage required by this section and which payment is occasioned by an insolvency, such insurer's right of recovery or reimbursement shall not include any rights against the insured of said insolvent insurer, but such paying insurer shall have the right to proceed directly against the insolvent insurer or its receiver, and in pursuance of such right such paying insurer shall possess any rights which the insured of the insolvent company might otherwise have had, if the insured of the insolvent insurer had personally made the payment.

[I.C., sec. 41-2505, as added by 1967, ch. 61, sec. 4, p. 124.]

41-2506. CANCELLATION OF POLICIES -- DEFINITIONS. (1) As used in sections [41-2506](#) through [41-2512](#) of this act:

(a) "Policy" means any one or more of the following portions of an automobile insurance policy, delivered or issued for delivery in this state, insuring a natural person as named insured, or one or more related individuals resident of the same household, and under which the insured vehicles therein designated are motor vehicles of the private passenger or station wagon type

(not used for public or livery conveyance of passengers, or rented to others) or any other four-wheel motor vehicles with a load capacity of 15,000 pounds or less not used in the occupation, profession, or business of the insured and,

- (i) Insuring against bodily injury and property damage liability;
- (ii) Insuring against physical damage;
- (iii) Insuring against risks commonly included under "comprehensive coverage";
- (iv) Relating to medical payments;
- (v) Providing uninsured motorist coverage.
- (b) Policy does not mean automobile liability insurance:
  - (i) Issued under an assigned risk plan; or
  - (ii) Insuring more than four (4) motor vehicles; or
  - (iii) Covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards.

(c) "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term. Any policy with a policy period or term of less than six (6) months or any policy with no fixed expiration date shall for the purpose of this section be considered as if written for successive policy periods or terms of six (6) months.

(d) "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy or any instalment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

(2) Sections [41-2506](#) through [41-2512](#) of this act shall not apply to any policy which has been in effect less than sixty (60) days at the time notice of cancellation is mailed or delivered by the insurer, unless it is a renewal policy.

[I.C., sec. 41-2506, as added by 1969, ch. 214, sec. 59, p. 625.]

41-2507. CANCELLATION OF POLICIES -- GROUNDS. No notice of cancellation of a policy shall be effective and the insurer shall not refuse renewal of a policy, unless based on one (1) or more of the following reasons:

- (1) Nonpayment of premium; or
  - (2) The policy was obtained through a material misrepresentation; or
  - (3) Any insured violated any of the terms and conditions of the policy;
- or

(4) The named insured failed to disclose fully his motor vehicle accidents and moving traffic violations, or his losses covered under any automobile physical damage or comprehensive coverage, for the preceding thirty-six (36) months if called for in the application; or

(5) As to renewal of the policy, if the insured at any time while the policy was in force failed to disclose fully to the insurer, upon request therefor, facts relative to accidents and losses incurred material to underwriting of the risk; or

(6) Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or

(7) The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

- (a) Has, within the thirty-six (36) months prior to the notice of cancellation or nonrenewal, had his driver's license under suspension or revocation; or
  - (b) Has a history of and is subject to epilepsy or heart attacks and such individual cannot produce a certificate from a physician testifying to his unqualified ability to operate a motor vehicle safely; or
  - (c) Has an accident record, conviction record, either criminal or traffic, physical, mental or other condition which is such that his operation of an automobile might endanger the public safety; or
  - (d) Has, while the policy is in force, engaged in a prearranged competitive speed contest while operating or riding in an automobile insured under the policy; or
  - (e) Has, within the thirty-six (36) months prior to the notice of cancellation or nonrenewal, been addicted to the use of narcotics or other drugs; or
  - (f) Uses alcoholic beverages to excess; or
  - (g) Has been convicted, or forfeited bail, during the thirty-six (36) months immediately preceding the notice of cancellation or nonrenewal; for
    - (i) Any felony; or
    - (ii) Criminal negligence resulting in death, homicide or assault arising out of the operation of a motor vehicle; or
    - (iii) Operating a motor vehicle while in an intoxicated condition or while under the influence of drugs; or
    - (iv) Leaving the scene of an accident without stopping to report; or
    - (v) Theft or unlawful taking of a motor vehicle; or
    - (vi) Making fraudulent statements in an application for a driver's license; or
  - (h) Has been convicted of, has had a judgment entered against, or forfeited bail for, three (3) or more violations within the thirty-six (36) months immediately preceding the notice of cancellation or nonrenewal of any law, ordinance or regulation of any state for which a violation point is assessed by the Idaho transportation department under the provisions of section [49-326](#), Idaho Code, whether or not the violations were repetitions of the same offense or different offenses; or
- (8) The insured automobile is:
- (a) So mechanically defective that its operation might endanger public safety; or
  - (b) Used in carrying passengers for hire or compensation, except that the use of an automobile for a carpool shall not be considered use of an automobile for hire or compensation; or
  - (c) Used in the business of transportation of flammables or explosives; or
  - (d) An authorized emergency vehicle; or
  - (e) Modified or changed in condition during the policy period so as to increase the risk substantially; or
  - (f) Subject to an inspection law and has not been inspected or, if inspected, has failed to qualify; or

(9) As to the renewal of the policy only, the insured automobile is registered in a jurisdiction other than Idaho.

[41-2507, added 1969, ch. 214, sec. 60, p. 625; am. 1992, ch. 250, sec. 1, p. 734; am. 2013, ch. 56, sec. 1, p. 130.]

41-2508. NOTICE OF CANCELLATION OR INTENTION NOT TO RENEW. (1) No cancellation of a policy to which section [41-2506](#) of this act applies shall be effective unless notice thereof is mailed or delivered by the insurer to the named insured at least twenty (20) days prior to the effective date of cancellation, except that where cancellation is for nonpayment of premium at least ten (10) days' notice of cancellation accompanied by the reason therefor shall be given. Unless the reason or reasons accompany or are included in the notice, the notice shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than ten (10) days prior to the effective date of cancellation, the insurer will specify the reason or reasons for such cancellation.

(2) No insurer shall fail to renew a policy to which section [41-2506](#) of this act applies unless it shall mail or deliver to the named insured, at the address shown on the policy, at least thirty (30) days' advance notice of its intention not to renew. Unless the reason or reasons accompany or are included in the notice, the notice shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than fifteen (15) days prior to the effective date or nonrenewal, the insurer will specify the reason or reasons for such nonrenewal. This subsection shall not apply in case of nonpayment of premium, or if the insurer has manifested its willingness to renew. Notwithstanding the failure of an insurer to comply with this subsection, the policy shall terminate on the effective date of any other policy procured by the insured, with respect to any automobile designated in both policies. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation or nonrenewal which existed before the effective date of the renewal.

(3) Proof of mailing of notice of cancellation, or of intention not to renew or of reasons for cancellation or nonrenewal to the named insured at his address last of record with the insurer, shall be sufficient proof of notice.

(4) When a policy is canceled, other than for nonpayment of premium, or in the event of failure to renew a policy to which subsection (2), above, applies, the insurer shall notify the named insured of any possible eligibility for insurance through an automobile assigned risk plan. Such notice shall accompany or be included in the notice of cancellation or the notice of intent not to renew, and shall state that such notice of availability of the automobile assigned risk plan is given pursuant to this section.

[I.C., sec. 41-2508, as added by 1969, ch. 214, sec. 61, p. 625.]

41-2509. CANCELLATIONS AND NONRENEWAL -- EXCEPTIONS TO. Nothing contained in sections [41-2506](#) through [41-2512](#) of this act shall be construed to prevent the cancellation or nonrenewal of any such insurance where:

(1) Cancellation or nonrenewal is ordered under or in connection with a statutory delinquency proceeding commenced against the insurer under chapter 33 (rehabilitations and liquidations), Idaho Code, or

(2) Cancellation or nonrenewal has been consented to by the director on a showing that continuation of such insurance can reasonably be expected to

create a condition in the insurer hazardous to its policyholders, or to its creditors, or to its members, subscribers, or stockholders, or to the public.

[I.C., sec. 41-2509, as added by 1969, ch. 214, sec. 62, p. 625.]

41-2510. EXCLUSION AND CANCELLATION OF DESIGNATED INDIVIDUALS. Except as respects the legal liability of the named insured, the insurer shall have the right to exclude, cancel or refuse to renew coverage under an automobile insurance policy as to designated individuals. Any such cancellation or refusal to renew shall be acknowledged by the signature of the named insured, and shall be subject to the applicable provisions of sections [41-2506](#) through [41-2512](#) of this act as for cancellation or refusal to renew the policy.

[I.C., sec. 41-2510, as added by 1969, ch. 214, sec. 63, p. 625.]

41-2511. DEDUCTIBLE -- PERMISSIVE. Nothing in sections [41-2506](#) through [41-2512](#), Idaho Code, shall prohibit, or be construed to prohibit, an insurer from requiring a provision for a reasonable deductible not exceeding two hundred fifty dollars (\$250) in amount as to comprehensive coverage and not exceeding five hundred dollars (\$500) in amount as to collision or physical damage coverages of the policy, as a condition to renewal of an automobile insurance policy.

[41-2511, added 1969, ch. 214, sec. 64, p. 625; am. 1991, ch. 312, sec. 1, p. 820; am. 2012, ch. 90, sec. 1, p. 253.]

41-2512. RELIEVING LIABILITY FOR DISCLOSURE OF CANCELLATION AND NONRENEWAL INFORMATION. There shall be no liability on the part of and no cause of action of any nature shall arise against the director, or the insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation or refusal to renew any policy under sections [41-2506](#) through [41-2512](#) of this act, for any statement made by any of them in any written notice or explanation of cancellation or refusal to renew, for the providing of information pertaining thereto, or for statements made or evidence submitted at the hearings conducted in connection therewith.

[I.C., sec. 41-2512, as added by 1969, ch. 214, sec. 65, p. 625.]

41-2513. WORKMEN'S COMPENSATION POLICIES -- SEGREGATION OF PARTICIPATING AND NONPARTICIPATING BUSINESS. (1) With respect to workmen's compensation insurance delivered or issued for delivery in this state, the insurer shall not pay dividends to the holders of participating insurance contracts out of profits or gains realized from nonparticipating contracts.

(2) An insurer issuing both participating and nonparticipating workmen's compensation policies shall maintain a system of accounting which segregates the participating from the nonparticipating business and clearly shows the profits and losses upon each category of business.

[I.C., sec. 41-2513, as added by 1969, ch. 214, sec. 66, p. 625.]

41-2514. MEDICAL PAYMENTS LIMITATION PROHIBITED. Recovery of costs incurred for injuries sustained under an automobile medical payments insurance contract shall not be limited to less than three (3) years from the date of the injury. This section shall not pertain to any injury that is not discovered and treated within one year from the date of the occurrence that caused the injury.

[41-2514, added 1976, ch. 102, sec. 1, p. 425.]

41-2515. DISCOUNT FOR CERTAIN AGE GROUPS. (1) Any insurer offering for sale an automobile insurance policy, as policy is defined in subsection (a) of section [41-2506](#), Idaho Code, in which there is insured a principal operator who is fifty-five (55) years of age or older, shall provide for an appropriate reduction in premium charges for liability, medical payments and collision coverages if the principal operator fifty-five (55) years of age or older has successfully completed a motor vehicle accident prevention course which meets criteria established by the transportation department. Any discount used by an insurer shall be presumed appropriate unless credible evidence data demonstrates otherwise.

(2) Upon successful completion of an approved motor vehicle accident prevention course, each participant shall be issued, by the course's sponsoring entity, a certificate of completion which shall be the basis of the qualification for the discount on the automobile insurance.

(3) The premium reduction required in this section shall be effective for an insured for a three (3) year period after successful completion of the approved course, except that the insurer may require, as a condition of providing and maintaining the discount, that the insured for a three (3) year period after course completion, not be involved in an accident for which the insured is at fault or be found guilty of a moving traffic violation.

(4) The provisions of this section shall not apply in the event the approved course is specified by a court or other governmental entity resulting from a moving traffic violation.

(5) Each participant shall take an approved course every three (3) years to continue to be eligible for the reduction in premiums.

(6) Nothing in the provisions of this section shall be deemed to prohibit an insurer from canceling or not renewing an automobile insurance policy for grounds enumerated in section [41-2507](#), Idaho Code, or in [chapter 25, title 41](#), Idaho Code.

(7) The provisions of this section shall not apply in the event that such an insurer offers a premium reduction which is substantially comparable to the premium reduction required in this section and in no event shall such insurer be required to provide both comparable premium reductions on a cumulative basis.

[41-2515, added 1989, ch. 152, sec. 1, p. 362; am. 2002, ch. 368, sec. 1, p. 1037; am. 2006, ch. 30, sec. 1, p. 93.]

41-2516. OPTIONAL SUSPENSION OF AUTOMOBILE INSURANCE COVERAGE. (1) If a person enters into a contract with an insurer for coverage under an automobile insurance policy as defined in section [41-2506](#), Idaho Code, the insurer may allow the person to suspend policy coverages. The suspension period may begin at any time, at the person's option. All requests for suspension of coverage shall be confirmed in writing by the insurer to the insured regardless of the method used by the insured to request suspension of coverage.



The suspension of coverage shall not constitute a cancellation of the policy. For those coverages suspended, during the period of suspension, premiums shall not be charged to the person, and the insurer shall not be liable for any loss under such suspended coverages occurring during said suspension period. The period of suspension may be changed at any time upon written agreement by the parties. This shall not preclude the insurer's right to reinspect the previously insured motor vehicle regarding its insurability.

(2) Suspended premium may accrue on a pro rata basis as a credit for future premium.

(3) If a person drives a motor vehicle within the state of Idaho while the liability coverage of the policy is suspended, he shall be subject to the penalties set out for the violation of the provisions of section [49-1428](#), Idaho Code.

(4) The provisions of this section shall apply to a policy entered into or renewed after July 1, 1990.

[41-2516, added 1990, ch. 57, sec. 1, p. 133; am. 1991, ch. 273, sec. 1, p. 710.]

41-2517. SHORT TITLE. Sections [41-2517](#) through [41-2521](#), Idaho Code, shall be known and may be cited as the "Idaho Transportation Network Insurance Act."

[41-2517, added 2015, ch. 316, sec. 1, p. 1232.]

41-2518. DEFINITIONS. As used in this act:

(1) "Digital network" means any online enabled application, software, website or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

(2) "Driver" or "transportation network company driver" means an individual who:

(a) Receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) Uses a personal vehicle to provide services for riders matched through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(3) "Personal vehicle" means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(a) Owned, leased or otherwise authorized for use by the transportation network company driver; and

(b) Not a taxicab, limousine or for-hire vehicle.

(4) "Prearranged ride" means the provision of transportation by a driver to a rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxi, limousine or other for-hire vehicle.

(5) "Rider" or "transportation network company rider" means an individual or persons who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged



rides to the rider in the driver's personal vehicle between points chosen by the rider.

(6) "Transportation network company" means a corporation, partnership, sole proprietorship or other entity that is operating in Idaho that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct or manage the personal vehicles or transportation network company drivers that connect to its digital network, except where agreed to by written contract.

[41-2518, added 2015, ch. 316, sec. 1, p. 1232.]

41-2519. FINANCIAL RESPONSIBILITY OF TRANSPORTATION NETWORK COMPANIES AND DRIVERS -- PROOF OF COVERAGE. (1) Effective July 1, 2015, and thereafter, a transportation network company driver or transportation network company on the driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a transportation network company driver or otherwise uses a vehicle to transport passengers for compensation and covers the driver:

(a) While the driver is logged on to the transportation network company's digital network; or

(b) While the driver is engaged in a prearranged ride.

(2) The following automobile insurance requirements shall apply while a participating transportation network company driver is logged on to the transportation network company's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(a) Primary automobile liability insurance in the amount of at least fifty thousand dollars (\$50,000) for death and bodily injury per person, one hundred thousand dollars (\$100,000) for death and bodily injury per incident and twenty-five thousand dollars (\$25,000) for property damage.

(b) The coverage requirements of this subsection may be satisfied by any of the following:

(i) Automobile insurance maintained by the transportation network company driver;

(ii) Automobile insurance maintained by the transportation network company; or

(iii) Any combination of the two (2).

(3) The following automobile insurance requirements shall apply while a transportation network company driver is engaged in a prearranged ride:

(a) Primary automobile liability insurance that provides at least one million dollars (\$1,000,000) for death, bodily injury and property damage;

(b) The coverage requirements of this subsection may be satisfied by any of the following:

(i) Automobile insurance maintained by the transportation network company driver;

(ii) Automobile insurance maintained by the transportation network company; or

(iii) Any combination of the two (2).

(4) If insurance maintained by a driver in subsection (2) or (3) of this section has lapsed or does not provide the required coverage, insurance maintained by a transportation network company shall provide the coverage

required by this section beginning with the first dollar of a claim and have the duty to defend such claim.

(5) Coverage under an automobile insurance policy maintained by the transportation network company shall not be dependent on a personal automobile insurer first denying a claim nor shall a personal automobile insurance policy be required to first deny a claim.

(6) Insurance required by this section may be placed with an insurer authorized under [title 41](#), Idaho Code, or with a surplus lines insurer eligible under the surplus line law, sections [41-1211](#) through [41-1234](#), Idaho Code.

(7) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under [chapter 12, title 49](#), Idaho Code.

(8) A transportation network company driver shall carry proof of coverage satisfying subsections (2) and (3) of this section with him or her at all times during his or her use of a vehicle in connection with a transportation network company's digital network. In the event of an accident, a transportation network company driver shall provide this insurance coverage information to the directly interested parties, automobile insurers and investigating police officers, upon request. Upon such request, a transportation network company driver shall also disclose to directly interested parties, automobile insurers, and investigating police officers whether he or she was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

[41-2519, added 2015, ch. 316, sec. 1, p. 1233.]

41-2520. DISCLOSURES. The transportation network company shall disclose in writing to transportation network company drivers the following before they are allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and

(2) That the transportation network company driver's own automobile insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride depending on its terms.

[41-2520, added 2015, ch. 316, sec. 1, p. 1234.]

41-2521. AUTOMOBILE INSURANCE. (1) Insurers that write automobile insurance in this state may exclude or continue to exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

- (a) Liability coverage for bodily injury and property damage;
- (b) Personal injury protection coverage;
- (c) Uninsured and underinsured motorist coverage;
- (d) Medical payments coverage;
- (e) Comprehensive physical damage coverage; and

(f) Collision physical damage coverage.

Such exclusions shall apply notwithstanding any requirement under [chapter 12, title 49](#), Idaho Code. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a vehicle to transport passengers for compensation. Nothing shall be deemed to preclude an insurer from providing coverage for the transportation network company driver's vehicle, if it so chose to do so by contract or endorsement.

(2) Automobile insurers that exclude the coverage described in section [41-2519](#), Idaho Code, shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this act shall be deemed to invalidate or limit an exclusion contained in a policy, including any policy sold or approved for sale in Idaho prior to the enactment of this act. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of section [41-2519](#), Idaho Code, at the time of loss.

(3) In a claims coverage investigation, transportation network companies and any insurer potentially providing coverage under section [41-2519](#), Idaho Code, shall cooperate to facilitate the exchange of relevant information with directly involved parties and any insurer of the transportation network company driver, if applicable, including the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve (12) hour period immediately preceding and in the twelve (12) hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions and limits provided under any automobile insurance maintained under section [41-2519](#), Idaho Code.

[41-2521, added 2015, ch. 316, sec. 1, p. 1234.]